MARITIME DISCIPLINARY COURT OF THE NETHERLANDS

RULING OF THE MARITIME DISCIPLINARY COURT OF THE NETHERLANDS OF 25 APRIL 2018 (NO. 1 OF 2018) IN THE CASE 2017.V5 – ANNA

As petitioned by:

the Minister of Infrastructure and the Environment, now the Ministry of Infrastructure and Water Management,
in The Hague,
petitioner,
authorised representative: M. Schipper,
ILT/Shipping inspector,

versus

P.M. A.,
counsel: D.L van Besouw, LL.M. and R.P. van Campen, LL.M.

1. The course of the proceedings

On 6 September 2017, the Maritime Disciplinary Court received a written petition for a disciplinary hearing of the case against the person concerned as the captain of the Dutch seagoing vessel Anna from M. Schipper, inspector ILT/Shipping. Eighteen appendices were attached to the petition.

The Disciplinary Court has notified the person concerned of the petition by letter (sent both by registered and ordinary mail), enclosing a copy of the petition with appendices, and has informed the person concerned of the right of appeal.

The statement of defence was received from the person concerned on 25 October 2017.

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

The presiding judge stipulated that the oral hearing of the case would be held at 11.15 hours on 23 March 2018 at the offices of the Disciplinary Court in Amsterdam.
The Human Environment and Transport Inspectorate and the person concerned were summoned – the latter both by ordinary and registered mail – to appear at the hearing of the Disciplinary Court.

The court hearing was held on 23 March 2018. M. Schipper, inspector at the ILT/Shipping appeared at the hearing for the petitioner. The person concerned also appeared, represented by his lawyers.

2. The petition

The following forms the basis for the petition. On 26 June 2017 fire broke in the engine room of the Dutch seagoing vessel Anna. The fire was most probably caused by the fact that a mist of lubricating oil was formed behind a lubricating oil spouter from the lubricating oil duplex filter of the main engine which was ignited by an unknown ignition source. The fire was short but very intense and could be extinguished relatively quickly using the fixed extinguishing equipment (CO2). Despite this, the maritime officer and a cadet sustained burns on the arms, as a result of which they had to be evacuated from the ship. The fire caused a great deal of damage in the engine room.
At the time of the fire, the ship was in the run-up to Rotterdam, about 11 miles WSW from Hook of Holland.
The person concerned was the ship's captain at the time.

The person concerned is accused of instructing two crew members, including one cadet, to enter or remain in a room in which, he knew or could reasonably be expected to know, contained a flammable or even explosive atmosphere. It follows from this that in this respect he failed to behave towards the crew as befits a good seaman.

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

The persons in the engine room were thus placed in grave danger. This could have turned out much worse than it did.
The person concerned has thus acted contrary to the principles of good seamanship within the meaning of Article 55a of the Dutch Seafarer's Act.

3. The position of the person concerned

In his defence, the person concerned argued – rendered in concise form – that, at the time the alarm occurred, he had ordered the cause of the alarm to be established, that he himself had gone to the engine room with the utmost urgency, but that he had not explicitly ordered anyone to enter the engine room. Due to the concurrence of circumstances, the intention to shut down the engine and partly the crew's own initiative, there were still two people in the engine room at the time when the fire occurred. In his opinion, the person concerned had acted to the best of his knowledge and ability and had always put the safety of the crew first.

4. The assessment of the petition

A. On the basis of the drawings of the Anna submitted at the hearing and what has been said about them, it appears that the engine room has different levels, which are connected by stairs.
The entrance is at the highest level, that of the aft deck. The level below is for the generator room. Another level lower is the control panel of the engine. Below that again is the lowest level, that of the tank top (not shown in a separate drawing). The lubricating oil duplex filter is located there. At aft deck level there is a 'changing room', also the location of the emergency fuel valves and the controls of the CO2 installation.
The bridge is two decks above the aft deck.

B. An official report of interview of the person concerned drawn up on 30 June 2017 by M. Schipper, senior ILT inspector (appendix 8 to the petition,

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

pp. 26/28) includes the following as a statement of the person concerned, presented in abridged and concise form.
On Monday 26 June 2017, I took over the bridge watch at around 7.00 a.m. I was there with cadet 1. After 8.00 a.m. the marine officer called from the engine room. I couldn't understand him well, but I did understand that something was wrong. I sent cadet 1 to the engine room. He came back very quickly and called for us to stop immediately. I have set the propulsion to 0. At that moment I received a fire alarm from the generator room and then from the engine room. I then went to the engine room myself. At first, there was no one else there. I went to the location of the engine controls. I saw a large spout of oil, but no smoke or fire. I went back up. I came across the marine officer and cadet 2 at the generator room.
I called out to them that the engine had to be shut down. I was planning to transfer control from the bridge to the engine room using the normal procedure, so cadet 2 and the marine officer could cut back the power and turn off the engine.
When I was back on the bridge, I suddenly saw smoke coming out of the engine room. I went below again. I saw cadet 2, the marine officer and cadet 3 near the entrance to the engine room. It turned out that cadet 3 had also been in the engine room. I heard from her that she had been thrown out by something like a pressure wave.
After that I used the emergency stops to shut down the ventilation and activate the fuel shut-off valves. I called cadet 2 and the marine officer on the aft deck to see if the ventilation openings were closed. I then activated the CO2 fire extinguishing system.
The marine officer had not informed me that he was going to work on the filter and had not asked me for permission to do so.

C. A report of the hearing, drawn up on 30 June 2017 by M. Schipper, Senior ILT Inspector ILT (Annex 9 to the application, pp. 29/31) includes - in abridged and concise form - the following as a statement of the marine officer.

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

I graduated from the STC-Zwolle in September 2016. I have done some brief temporary work on different types of ships in different jobs. This was my first contract in the engine room.
Last week, when we were at anchor, cadet 2 and I replaced the lubricating oil of the main engine. We also cleaned the duplex filter. I see a photo of the duplex filter (appendix to the official report, p. 32). I am almost certain that we actively placed the filter shown on the left side of the photo. The photo shows the filter on the left without the safety plate and the breather plug. After cleaning we had replaced the safety plate and the breather plug.
On Monday morning cadet 2 told me that the lubricating oil filter was leaking a little and that it would help to tighten the bolts a little. I went for an inspection round in the engine room. I saw that the left filter was indeed leaking some lubricating oil. At first, I didn't want to take immediate action because I thought it would be better to do it with the engine shut down. But I still went to take a look at the lubricating oil filter. I then loosened the breather plug from the left filter. At one point I noticed that oil was coming out. I realised that there was a lot of pressure on it. I tried to close the bolt again, but the pressure was too high. Suddenly the oil started to spout. I was still trying to switch the filter, but that wasn't possible.
After that I went up a stairway and called the bridge. I asked if we could slow down. Then I heard an alarm, which I think was the lubricant pressure alarm. I saw cadet 1 enter the engine room and go down the steps to the switchboard deck. I saw him look shocked and quickly leave again. At that time I was still standing by the phone and the engine start panel.
I don't know exactly the order of what happened after that.
Cadet 2 was with me at one point or another. When we were discussing what to do about the spout, cadet 2 saw the first flames and smoke. He then ran up the stairs to the exit. I also ran above. However, the flames were already so high that they reached me; that's how I got to the burns.
I saw the captain in the engine room, but I don't remember what he did.
I'm sure that I was not at the top of the exit of the engine room between the spouter and the fire.

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

Cadet 2 and I had started to cool our wounds until the water had run out. After that we were taken ashore by pilot boat.

D. A report of the hearing, drawn up on 30 June 2017 by M. Schipper, Senior ILT Inspector ILT (Annex 10 to the application, pp. 33/35) includes - in abridged and concise form - the following as cadet 2's statement.
Last Friday we replaced the lubricating oil of the main engine. We also cleaned the duplex filter. I see a photo of the duplex filter.
I think we activated the filter on the photo on the left - where there is no safety plate and breather plug. The engine was started on Saturday. I had been keeping an eye on the filter. The safety cap and the breather plug on the left filter were certainly still there.
After that I saw a puddle of lubricating oil under the filter. I said that to the marine officer. I understood from him that he later wanted to tighten the four bolts of the filter housing cover to stop the leak.
On Monday morning I was in the changing room at about 9:45 AM. That's where I heard the fire alarm. Then I saw the marine officer coming out of the engine room; he was completely covered in the lubricating oil. He said that he wanted to tighten the nuts on the cover of the lubricating oil filter and that suddenly oil had started spraying out. When asked, he said that he had not converted the filter first. I thought that the main engine had to be stopped immediately. At that moment the captain came in as well. He told me to turn off the engine in the engine room. I then went into the engine room, two decks down, where the controls are. At that time there wasn't really a fire, but you could see that there was something in the air, say a kind of mist. I don't know why, but the marine officer went along too. As soon as we reached the operating location, I saw smoke and flames in the corner where the filter is located. We no longer had time to stop the engine and I called out to the marine officer to get out as soon as possible. I ran up the steps; I jumped out but was hit by a very hot pressure wave, strong enough to knock me to the deck and also to cause our burns.

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

The captain switched off the engines by activating the quick fuel shut-off valves and then activated the CO2 extinguishing installation of the engine room.
I started to cool my wounds on board first, until the water pressure dropped due to a blackout. In the end, we boarded a pilot boat.

E. A statement of facts dated 30 June 2017(appendix 11 to the petition, p. 36/37) - rendered in abridged and concise form in Dutch - includes the statement of cadet 1.

I was on the bridge with the captain. We received a phone call from the engine room, but it was impossible to hear anything. Immediately afterwards, the fire alarm of the engine room went off. I went to the engine room. From the aft deck I went down the steps to the level of the auxiliary generator and looked at the engine. At the engine I saw the marine officer soaked in oil. Next to him, oil came up from the floor level in pulsating jolts. I realised the serious fire risk due to oil mist in a working engine room and went up to the bridge as quickly as possible. On the way I met the female cadet. On the bridge I informed the captain about the dangerous situation. He set the motor to 0 and ran below.

F. A statement of facts dated 2 July 2017 (appendix 13 to the petition, p. 39) - rendered in abridged and concise form in Dutch - includes the statement of cadet 3.

At 9.30 the fire alarm went off in the engine room. Cadet 1 went to have a look. I also went to the engine room to see if I could help. When I arrived below, I heard the captain telling cadet 2 to stop the engine. Cadet 2 and the marine officer were already in the engine room to look for the emergency button. I went down the steps into the engine room and saw a lot of smoke and saw cadet 2 and the marine officer hurtling over the steps. I called out to them to ask where the emergency button was and they were trying to press it. At that moment I saw a flame jet and I went up to the exit. I saw that cadet

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

2 and the marine officer also ran out of the engine room and we were blown out. cadet 2 called out that he was burned. I helped him cool his burns.

G. The application is accompanied by several photographs (on p. 32 and as Annex 16, pp. 42/44) showing a lubricant duplex filter, one filter on the left and one on the right. According to the petition, which was drawn up by inspector M. Schipper, these photographs were taken by him and a fellow inspector when they were on board after the fire.
The photos show that the right filter is partially covered with a plate that is fixed with three bolts. A fastener/breather plug is fitted through the plate. The left filter is not covered with a plate and the fastener/breather plug is missing.

H. In the application, inspector M. Schipper stated, among other things, the following as his findings (p. 4/5), rendered concisely.
The protective cap/plate on the filters and the fixing/breather plug are intended to prevent the filter cover from unscrewing while the filter is under pressure/active. As soon as the plug is loosened one or more times, the lubricating oil can come out under pressure from the filter housing via the spiral duct in the breather plug. At least 20 turns are required to loosen the bolt completely.
The missing protective cap with left filter fastener/breather plug was found elsewhere in the engine room during his investigation.
It appears from the above and from the statement of the marine officer that the lubricating oil spouter was caused by the unscrewing of the fastener/breather plug by the marine officer. It is likely that the protective cap was blown forcefully from the filter cover and ended up on the other side of the engine room.
It is plausible from the crew members' statements that the spouter caused a lubricating oil mist, which caused the fire alarm in the engine room to be activated.

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

I. At the hearing of 23 March 2017 – rendered in abridged and concise form – the following statement was made by the person concerned:

The alarm that went off on the bridge is an optical fire alarm, a heat and smoke detector in the engine room.
When cadet 1 was back, I went below myself, after I had put the engine on standby.
I went down until I reached the control panel. I saw oil spouting in the area where the lubricating oil filter is located. Cadet 2 also came below, and also came to look at the control panel. I didn't see the marine officer at that time. My statement in the file that I went upstairs again and came across the marine officer and cadet 2 in the generator room is incorrect.
cadet 2 remained below. I wanted to stop the engine using the normal procedure. To do that I first had to go up to the bridge to use a button to transfer the operation of the engine to the engine room. A green light then lights up on the bridge. Cadet 2 stayed down to reduce the revolutions and stop the engine after the transfer of control.
It is true that there is also a button on the control panel for an emergency stop of the engine. I didn't use it because I thought there was only an oil leak. I didn't see a fire. I wanted to follow the normal procedure.
I had to go up four decks, to the bridge. I didn't meet anyone along the way. What is in the file about this is incorrect. Cadet 2 was with me at the control panel. I did not see the marine officer or cadet 3 at the time.

I hear Mr Van Besouw say that Dutch is not my first language and that my Dutch is limited.

When I came on the bridge, I saw smoke coming out of the engine room and went below again, to the aft deck. There I activated the emergency fuel shut-off valves. I asked three times whether everyone was there and whether everyone had come out of the engine room. Cadet 2 had come out of the engine room. Cadet 3 and cadet 1 were also above. The marine officer had burns and was cooling them somewhere.

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

The fans of the engine room were also switched off. After that I activated the CO2 installation so that CO2 would flow into the engine room.

I couldn't stop the engine immediately with the emergency procedure, otherwise the clutch would probably have broken and seized up. That is why I wanted to follow the normal procedure. I had done the same in a previous incident.

There was an oil spill and there was oil that spouted out, but there was no fire in the engine room and I did not know if there would be a fire. I had experienced something like that before. I haven't seen any lubricating oil mist, but maybe it was there. I think it was possible that a mist would develop.
I had to leave the engine room and go above to communicate. I didn't think there was a dangerous situation for anyone in or near the engine room. I didn't expect a fire. I was by no means certain that there would be a fire.

I didn't know there was a fire. I only saw smoke. I therefore do not believe that the accusation made by the inspector is justified.
There was no electrical switch at the engine control panel to turn off the lubricating oil pump; that switch was one deck higher. I could have stopped the engine with an emergency stop, but then there was a risk that the engine would break down.

In my training I had followed a fire fighting course. The crew had received that training as well. There were 3 cadets on board.
The marine officer hadn't been working on machines for long. I knew this was his first trip with responsibility for the engine room. The marine officer had already been on board for more than ten days. About two weeks.

I didn't know what the marine officer was going to do or what the marine officer had done. I saw the spouter, but I thought a pipe was broken. I wanted to repair the leak.

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

If I had pressed the emergency stop, damage would have been caused to the clutch. Also, I wouldn't immediately be able to continue with the ship.
I had already had an oil spouter on the same ship before; this had happened in Germany. I stopped the engine using the normal procedure. Everything went well that time.
I have had marine officer training. I knew how to stop the engine.

5. The ruling of the Disciplinary Court

A. The content of the documents referred to above, the statement of the person concerned have led to the following conclusions being drawn in this case with an adequate measure of certainty.

On the morning of 26 June 2017, the Dutch freighter Anna (2,993 GRT, length 90 m, breadth 14 m) was sailing in the North Sea in the run-up to the port of Rotterdam. At about 11 miles WSW from Hook of Holland there was a fire in the engine room.
The person concerned was the captain of the Anna.
After a fierce fire, which was extinguished with the aid of CO2, the ship was towed into harbour. Two crew members were evacuated from the ship and taken ashore with burns. There was extensive damage to the engine room.

It is an established fact that a lubricant spouter occurred in the engine room that morning as a result of inexpert work on the lubricant duplex filter by the marine officer. This most probably resulted in a lubricating oil mist which, with the oxygen present, was ignited by contact with a hot object, such as parts of the exhaust pipe of the running engine.

B. The person concerned cannot be held responsible for the formation of the lubricating oil spouter and the oil mist in the engine room. He was unexpectedly confronted with a very serious situation on board the ship in the run-up to the port of Rotterdam. He had to decide, under great time pressure, which action was best taken at that time.

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

C. According to his statements, the person concerned was at a certain point in time at the control panel in the engine room. He saw the oil spouter there. He further stated (to the inspector) that when he met cadet 2 at the generator room level, he ordered him to remain in the engine room in order to switch off the engine using the "normal procedure".
At the hearing, the person concerned stated that at a given point in time he was standing at the control panel with cadet 2 and then gave the instruction in question to cadet 2.
This normal procedure involved transferring the engine control from bridge to engine room on the bridge and then reducing the power and stopping the engine on the control panel in the engine room.
The fact that the person concerned gave this instruction to cadet 2 is confirmed by statements by cadet 2 and cadet 3.

According to the earlier statement of the person concerned to the inspector, the marine officer was also in the engine room (generator room level) at the time and he also ordered the marine officer to stop the engine in the engine room and therefore to stay behind with cadet 2 in the engine room, so that the marine officer and cadet 2 could reduce power there and shut down the engine. At the hearing, however, the person concerned stated that this earlier statement was incorrect and that he had only given this instruction to cadet 2.
It may be important here that the person's command of Dutch is limited, as the Disciplinary Court has also noted.

None of the other people who have made a statement explicitly stated that the person concerned had also given the marine officer the order to stay in or go to the engine room.
It has therefore not become sufficiently clear that the party concerned also gave such an instruction to the marine officer.

D. In the given circumstances, the party concerned had to decide on the one hand whether to follow the normal procedure - in which cadet 2 had to

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

remain in the engine room for some time – and, on the other hand, whether to stop the engine immediately with the emergency stop on the control panel, then to activate the emergency fuel stop valves and, if necessary, to switch off the electrical controls of the lubricating oil pump, and at the same time ensure that everyone left the engine room as soon as possible.
The person concerned clearly made a conscious choice in favour of the first option.

E. The Disciplinary Court is of the opinion that this choice was not the right one, which is based on the following considerations.

The person concerned did not know for how long the lubricating oil spouter had been taking place, but it was in any case clear that this had been going on for some time:
First, there was the telephone from the marine officer from engine room to the bridge, which showed that something was wrong;
Then he ordered cadet 1, who was with him on the bridge, to go and look in the engine room; cadet 1 did this, and then came back on the bridge saying that the engine had to be stopped;
The fire alarm also went off when the person concerned was still on the bridge;
Only then did the person in question go below to the engine room, where he saw the oil spouter at the control panel.
This indicates that the lubricating oil had been spouting for some time.

The person concerned should have realised that a lubricating oil mist of small oil droplets could or would have been formed as a result of this, and that a hazardous atmosphere was present which, with the oxygen in the engine room, could ignite or explode if it came into contact with a hot object, such as hot parts of the exhaust pipe of the operating engine (which turned despite the fact that the propulsion was set to 'unengaged'). Cadet 2 said that when he went down the steps in the engine room, there was a kind of mist in the air. Cadet 1 also realised the serious fire hazard of oil mist

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

('immense potential fire danger of oil mist in an operational engine room').
The optical fire alarm in the engine room had been triggered.
There is reason to believe – and no one is questioning this – that there was a real risk of fire or explosion. If this risk were to materialise, it could have very serious consequences for the life or health of the people who were in the engine room, particularly at the level of the control panel.

Before leaving the bridge, the person concerned had not yet transferred the engine control. This meant that to follow the normal procedure, he first had to go up four decks, from the engine control panel to the bridge. Apparently – at least in the experience of the person concerned – the chief officer and the marine officer were not available for this purpose (the fairly marginal crew of the ship was a given). During that time, the oil would have continued to spout and the engine to run.

On the other hand, failure to follow the normal procedure could result in damage to the engine, clutch or other components and may have prevented being able to restart the engine quickly. This could have had implications for shipping traffic to and from Maasmond.
No factual information can be found in the file or in the discussion at the hearing with regard to the magnitude of these unwelcome developments – damage to the ship's installation and a shipping hazard.
It is by no means certain that an emergency stop would have caused significant damage to the installation.
Even if the engine could have been stopped according to the normal procedure, this does not mean that the vessel could have continued on its way. Apart from the risk of fire or explosion even after restarting the engine, the problem with the lubricating oil filter (or, as the person concerned thought, the lubricating oil leakage) should first be brought under control.

Nor is any concrete data available concerning the magnitude of the risk of accidents by a ship without its own propulsion or a black-out on site, approx. 11 miles WSW of Hook of Holland. Although it is a busy shipping

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

area, after a report of (engine) problems from the Anna to the Hoek van Holland traffic centre (Maas Aanloop sector) other ships would be immediately informed and could take measures to avoid coming in the vicinity of the Anna. Assistance to the Anna would also be available in the near future.
It was daylight and there were no bad weather conditions.
The Anna would probably be able to drop an anchor, even in the event of a blackout.

F. The Disciplinary Board is of the opinion that the person concerned made the wrong decision when weighing up the various relevant elements, that he should have decided to stop the engine immediately with the emergency procedure and that he should have evacuated the engine room immediately.
The decision he made meant that he left a crew member, cadet 2, in an apparently very dangerous situation in the engine room with an atmosphere that could ignite at any moment. This then actually happened and, as a result, two crew members suffered serious burns (a third crew member apparently made a lucky escape).

The conduct of the person concerned constitutes a violation of the regulation of Section 55a of the Dutch Seafarers Act in conjunction with Section 4.4 of that Act: acting or failing to act on board as captain contrary to the duty of care expected of a good seaman in relation to the persons on board, the ship, its cargo, the environment and shipping.

6. The disciplinary measure

The Disciplinary Court judges that the person concerned has clearly failed in his responsibility as a ship's captain, which seriously jeopardised the safety of at least one crew member on board. The person concerned did not act as befits a responsible captain, as a result of which the safety of the people on board, the vessel, its cargo, and the environment were jeopardised.

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

In view of the seriousness of the evident behaviours a suspension of the navigation licence for the duration mentioned below is appropriate.

The Disciplinary Court has taken a number of circumstances into account. The person concerned was unexpectedly confronted with an emergency situation and had to decide and act under great time pressure. In the given circumstances, he was, in a sense, alone. The Disciplinary Court realises that it is much easier to make a careful assessment afterwards.
After the fire had broken out, the person concerned had taken very effective action to combat the fire, to inform the traffic control centre and to evacuate the injured crew members from the vessel and to have them transferred ashore.
In view of the above, the Disciplinary Court sees good cause to stipulate that the suspension of the navigation licence will be imposed fully conditionally.

7. The decision

The Disciplinary Court:

- declares the objections against the person concerned as stated under point 5 to be well-founded;
- suspends the navigation licence of the person concerned for a period of two months;
- stipulates that this suspension will not be imposed unless the Disciplinary Court stipulates otherwise in a subsequent ruling based on the fact that the person concerned has once again behaved contrary to his duty of care as a good seaman in respect of the people on board, the vessel, its cargo, the environment or shipping prior to the end of a probationary period, which the Disciplinary Court hereby sets at two years;
- stipulates that the probationary period of the suspension shall commence on the date six weeks following the date of this ruling being forwarded.

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL

- declares the objections to be otherwise unfounded;

Duly delivered by A.N. van Zelm van Eldik, LL.M., presiding judge and P.J. Lensen and
J. van Vuuren, members,
in the presence of E.H.G. Kleingeld, LL.M., as secretary and pronounced by the presiding judge in public session on 25 April 2018.

A.N. van Zelm van Eldik
president

E.H.G. Kleingeld
secretary

An appeal against this ruling can be lodged within six weeks of the date of forwarding with the Dutch Trade and Industry Appeals Tribunal ('College van Beroep voor het Bedrijfsleven'), Prins Clauslaan 60, 2595 AJ The Hague, P.O. Box 20021, 2500 EA The Hague, the Netherlands.

DAMRAK 387 1012 ZJ AMSTERDAM, THE NETHERLANDS PHONE: +31 20 6220477
WEBSITE: WWW.MDCN.NL